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7 **U.S. DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9 **SAN JOSE DIVISION**

10 RHONDA HARRISON,) Case No.: 07-05529 JF RS

11 Plaintiff,)

12 v.)

13 CURTIS O. BARNES, P.C., CURTIS O.
14 BARNES, FORTIS CAPITAL, LLC, and
15 DANIEL RUPP,

16 Defendants.)

17 **REQUEST TO CONTINUE FEBRUARY**
18 **29, 2008 CASE MANAGEMENT**
19 **CONFERENCE and [PROPOSED]**
20 **ORDER**

21 Defendants failed to timely answer the Complaint and the Clerk entered a Default against
22 all defendants on January 24, 2008. The case was reassigned to the Hon. Jeremy Fogel on
23 February 7, 2008.

24 Plaintiff will serve deposition subpoenas on the defaulted defendants for purposes of
25 fixing punitive damages. Plaintiff will then move for a default judgment from the Court. Thus,
plaintiff respectfully requests the Court continue the February 29, 2008 Case Management
Conference for 90 days.

Furthermore, I see that today Defendants filed a Motion to Set Aside the Defaults, despite
not having met and conferred on the hearing date as is required by this Court's Standing Order.
Thus, continuing the CMC at this time is appropriate.

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2 Date: 2/19/08

/s/Ronald Wilcox
Ronald Wilcox, Attorney for Plaintiff

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2 **[PROPOSED] ORDER**

3 The Court hereby continues the February 29, 2008 Case Management Conference to

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6 IT IS SO ORDERED.

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8 Date:

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11 HON. JEREMY FOGEL
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